

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

NATIONAL CHICKEN COUNCIL, *et al.*,

Plaintiffs,

v.

TOM VILSACK, in his official capacity as
SECRETARY OF AGRICULTURE, *et al.*,

Defendants.

No. 4:24-cv-03786

JOINT MOTION FOR BRIEFING SCHEDULE

Plaintiffs National Chicken Council, Meat Institute, Southwest Meat Association, and Texas Broiler Council and Defendants Tom Vilsack, in his official capacity as Secretary of Agriculture, and Bruce Summers, in his official capacity as Administrator of the Agricultural Marketing Service have conferred on a case schedule in this Administrative Procedure Act (“APA”) case in an attempt to resolve this matter as efficiently and expeditiously as possible. The parties agree that this APA matter is suitable for resolution based on the complete administrative record and cross-motions for summary judgment. They therefore jointly propose and request that the Court enter the following briefing schedule:

- **Production of Administrative Record:** February 12, 2025
- **Plaintiffs’ Motion for Summary Judgment:** March 12, 2025
- **Defendants’ Opposition and Cross-Motion for Summary Judgment:** April 9, 2025¹
- **Plaintiffs’ Opposition and Reply:** April 30, 2025

¹ While Defendants reserve the right to raise jurisdictional objections to Plaintiffs’ suit, they agree that such objections, if any, can be raised as part of the consolidated brief submitted on this date.

- **Defendants' Reply:** May 21, 2025

Because the parties agree that this matter may be resolved at summary judgment, they submit that an initial pretrial and scheduling conference is not necessary at this time. They therefore respectfully request that the conference scheduled for January 10, 2025 be vacated. *See* ECF No. 8. Additionally, Defendants intend to raise all jurisdictional arguments through summary judgment briefing, and accordingly, request that their deadline to answer the complaint be suspended. *See* Order at 1, Texas Gun Rights, Inc., et al. v. Bureau of Alcohol, Tobacco, Firearms and Explosives, No. 4:23-cv-578-O (N.D. Tex. Nov. 1, 2023) (ECF No. 39) (suspending deadline to respond to complaint). In the alternative, if the Court declines to suspend their obligation to respond to the Complaint, Defendants request that their deadline to answer the complaint be extended until 30 days after the court resolves the parties' summary judgment motions. *See* Scheduling Order at 2, The Tennessee Walking Horse Nat'l Celebration Ass'n, et al. v. USDA, No. 2:24-cv-143 (N.D. Tex. Sept. 25, 2024) (ECF No. 16) (extending answer deadline to 30 days after court's decision on cross-motions for summary judgment); Scheduling Order at 2, Mock v. Garland, No. 4:23-cv-95-O (N.D. Tex. May 1, 2023) (ECF No. 52) (extending answer deadline to 21 days after court's resolution of dispositive cross-motions for summary judgment, if necessary). The parties appreciate the Court's consideration.

Dated: December 19, 2024

Respectfully submitted,

/s/ Aaron R. Crane

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CERTIFICATE OF SERVICE

On December 19, 2024, I electronically submitted the foregoing document with the Clerk of Court for the U.S. District Court, Southern District of Texas, using the Court's electronic case filing system. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Taylor Pittz
TAYLOR PITZ
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U.S. Department of Justice